

FILED: November 13, 2019

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 19-2130 (L)  
(8:18-cv-00883-PWG)

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In re: CIGAR ASSOCIATION OF AMERICA; CIGAR RIGHTS OF AMERICA;  
PREMIUM CIGAR ASSOCIATION, f/k/a International Premium Cigar and Pipe  
Retailers Association

Appellants

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AMERICAN ACADEMY OF PEDIATRICS; MARYLAND CHAPTER- AMERICAN  
ACADEMY OF PEDIATRICS; AMERICAN CANCER SOCIETY CANCER ACTION  
NETWORK; AMERICAN HEART ASSOCIATION; AMERICAN LUNG  
ASSOCIATION; CAMPAIGN FOR TOBACCO-FREE KIDS; TRUTH INITIATIVE;  
DR. LEAH BRASCH, MD; DR. CYNTHIA FISHMAN, MD; DR. LINDA  
GOLDSTEIN, MD; DR. STEVEN HIRSCH, MD; DR. DAVID MYLES, MD

Plaintiffs - Appellees

v.

UNITED STATES FOOD AND DRUG ADMINISTRATION; NORMAN E.  
SHARPLESS, in his official capacity as Acting Commissioner of Food and Drugs;  
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; ALEX  
M. AZAR, II, in his Official capacity as Secretary of Health and Human Services

Defendants

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No. 19-2132  
(8:18-cv-00883-PWG)

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AMERICAN ACADEMY OF PEDIATRICS; MARYLAND CHAPTER- AMERICAN ACADEMY OF PEDIATRICS; AMERICAN CANCER SOCIETY CANCER ACTION NETWORK; AMERICAN HEART ASSOCIATION; AMERICAN LUNG ASSOCIATION; CAMPAIGN FOR TOBACCO-FREE KIDS; TRUTH INITIATIVE; DR. LEAH BRASCH, MD; DR. CYNTHIA FISHMAN, MD; DR. LINDA GOLDSTEIN, MD; DR. STEVEN HIRSCH, MD; DR. DAVID MYLES, MD

Plaintiffs - Appellees

v.

AMERICAN E-LIQUID MANUFACTURING STANDARDS ASSOCIATION; AMERICAN VAPING ASSOCIATION; SMOKE-FREE ALTERNATIVES TRADE ASSOCIATION- CALIFORNIA; ARIZONA SMOKE FREE BUSINESS ALLIANCE; SMOKE-FREE ALTERNATIVES TRADE ASSOCIATION- CONNECTICUT; INDIANA SMOKE FREE ASSOCIATION; SMOKE-FREE ALTERNATIVES TRADE ASSOCIATION- HAWAII; IOWANS FOR ALTERNATIVE TO SMOKING AND TOBACCO; SMOKE-FREE ALTERNATIVES TRADE ASSOCIATION- LOUISIANA; KENTUCKY SMOKE FREE ASSOCIATION; SMOKE-FREE ALTERNATIVES TRADE ASSOCIATION- RHODE ISLAND; MARYLAND VAPOR ALLIANCE; SMOKE-FREE ALTERNATIVES TRADE ASSOCIATION- TEXAS; NEW YORK STATE VAPOR ASSOCIATION; SMOKE-FREE ALTERNATIVES TRADE ASSOCIATION- WISCONSIN; OHIO VAPOR TRADE ASSOCIATION; RIGHT TO BE SMOKE-FREE COALITION; SMOKE FREE ALTERNATIVES TRADE ASSOCIATION; TENNESSEE SMOKE FREE ASSOCIATION; TEXAS VAPOR COALITION

Intervenors - Appellants

and

UNITED STATES FOOD AND DRUG ADMINISTRATION; NORMAN E. SHARPLESS, in his official capacity as Acting Commissioner of Food and Drugs; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; ALEX M. AZAR, II, in his Official capacity as Secretary of Health and Human Services

Defendants

(8:18-cv-00883-PWG)

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AMERICAN ACADEMY OF PEDIATRICS; AMERICAN CANCER SOCIETY  
CANCER ACTION NETWORK; AMERICAN HEART ASSOCIATION; AMERICAN  
LUNG ASSOCIATION; LEAH BRASCH, MD; CAMPAIGN FOR TOBACCO-FREE  
KIDS; CYNTHIA FISHMAN, MD; LINDA GOLDSTEIN, MD; STEVEN HIRSCH,  
MD; DAVID MYLES, MD; TRUTH INITIATIVE; MARYLAND CHAPTER-  
AMERICAN ACADEMY OF PEDIATRICS

Plaintiffs - Appellees

v.

UNITED STATES FOOD AND DRUG ADMINISTRATION; NORMAN E.  
SHARPLESS, in his official capacity as Acting Commissioner of Food and Drugs;  
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; ALEX  
M. AZAR, II, in his Official capacity as Secretary of Health and Human Services

Defendants - Appellants

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No. 19-2242  
(8:18-cv-00883-PWG)

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In re: AMERICAN E-LIQUID MANUFACTURING STANDARDS ASSOCIATION;  
AMERICAN VAPING ASSOCIATION; ARIZONA SMOKE FREE BUSINESS  
ALLIANCE; INDIANA SMOKE FREE ASSOCIATION; IOWANS FOR  
ALTERNATIVE TO SMOKING AND TOBACCO; KENTUCKY SMOKE FREE  
ASSOCIATION; MARYLAND VAPOR ALLIANCE; NEW YORK STATE VAPOR  
ASSOCIATION; OHIO VAPOR TRADE ASSOCIATION; RIGHT TO BE SMOKE-  
FREE COALITION; SMOKE FREE ALTERNATIVES TRADE ASSOCIATION;  
SMOKE-FREE ALTERNATIVES TRADE ASSOCIATION- CALIFORNIA; SMOKE-  
FREE ALTERNATIVES TRADE ASSOCIATION- CONNECTICUT; SMOKE-FREE  
ALTERNATIVES TRADE ASSOCIATION- HAWAII; SMOKE-FREE  
ALTERNATIVES TRADE ASSOCIATION- LOUISIANA; SMOKE-FREE  
ALTERNATIVES TRADE ASSOCIATION- RHODE ISLAND; SMOKE-FREE  
ALTERNATIVES TRADE ASSOCIATION- TEXAS; SMOKE-FREE  
ALTERNATIVES TRADE ASSOCIATION- WISCONSIN; TENNESSEE SMOKE  
FREE ASSOCIATION; TEXAS VAPOR COALITION

Appellants

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AMERICAN ACADEMY OF PEDIATRICS; AMERICAN CANCER SOCIETY  
CANCER ACTION NETWORK; AMERICAN HEART ASSOCIATION; AMERICAN  
LUNG ASSOCIATION; LEAH BRASCH; CAMPAIGN FOR TOBACCO-FREE  
KIDS; CYNTHIA FISHMAN; LINDA GOLDSTEIN; STEVEN HIRSCH; DAVID  
MYLES; MARYLAND CHAPTER- AMERICAN ACADEMY OF PEDIATRICS;  
TRUTH INITIATIVE

Plaintiffs - Appellees

v.

UNITED STATES FOOD AND DRUG ADMINISTRATION; SCOTT GOTTLIEB, in  
his Official capacity as Commissioner of Food and Drugs; NORMAN E. SHARPLESS,  
in his Official capacity as Commissioner of Food and Drugs; UNITED STATES  
DEPARTMENT OF HEALTH AND HUMAN SERVICES; ALEX M. AZAR, II, in his  
Official capacity as Secretary of Health and Human Services; AMERICAN  
ASSOCIATION FOR RESPIRATORY CARE

Defendants

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O R D E R

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The court consolidates Case No. 19-2242 with Case No. 19-2130(L). Entry of  
appearance forms and disclosure statements filed by counsel and parties to the lead case  
are deemed filed in the secondary case.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk